

REMARKS

Claims 1-3, 5, 10 and 11 are pending in this application. By this Amendment, claim 1 is amended. The amendments introduce no new matter. A Request for Continued Examination is attached. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraph 2, rejects claims 1-3, 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,715,879 to DeVaan and known state of the art. The Office Action, in paragraph 3, rejects claim 5 under 35 U.S.C. §103(a) as being unpatentable over DeVaan as applied to claim 1, and further in view of U.S. Patent No. 5,671,993 to Shikama. These rejections are respectfully traversed.

DeVaen teaches a projection device comprising a projector for providing a light beam to be projected in polarized light (Abstract). In order to accomplish this, DeVaen teaches an adjustable liquid crystal element for changing the direction of polarization arranged between the projector and the transmissive projection screen, the transmissive projection screen comprising a polarization diffuser layer (Abstract).

The Office Action, as did the previous Office Action, asserts that claim 1 recites a conventional LCD type projector with the exception of the relative orientation of light emitted from the projector to the screen. This remains, as Applicant previously asserted, a rough generalization of what the precise language of claim 1 actually recites and overlooks at least one or more of the positively recited claim features.

The Office Action indicates that De Vaen discloses a projector wherein the direction of polarization of the light from such an LCD projector may be rotated through any desired direction. The Office Action goes on to quote Webster's 9th Collegiate Dictionary for a definition of "filter" to conclude that the polarization element of the De Vaen can reasonably be considered to include a filter. The Office Action further concludes, based on these

assertions, that the combination of what is known in the art and De Vaan would render obvious the subject matter of the pending claims. The analysis of the Office Action fails for at least the following reason.

Claim 1 recites, among other features, a polarization filter disposed between the spatial light modulation device and the screen, the polarization filter selects a substantially fixed polarization azimuth of a light emitted from the spatial modulation device to make the image light a linearly polarized light, the image light is projected on the screen as the linear polarized light having the polarization azimuth along a predetermined direction except for a short direction of the screen.

De Vaan does not disclose such a polarization filter that selects a substantially fixed polarization azimuth of a light emitting from the spatial light modulating device. Instead, De Vaan discloses a liquid crystal element as a polarization device. The liquid crystal element 4 does not select the polarization azimuth, but rather changes the polarization azimuth of the light emitted from the projector 1.

The Office Action, at paragraph 4, indicates that Applicant's previous arguments have been fully considered but are not persuasive. The Office Action in this section further indicates that Applicant's arguments are addressed in the body of the rejection. In response to Applicant's making the above argument in reply to the previous Office Action, this Office Action at the bottom of page 2 and the top of page 3 apparently views the term polarization filter as requiring further definition. At this point, the analysis of the Office Action then improperly goes to a dictionary definition of the term "filter" rather than seeking clarification of what Applicant intends this term to comprise with reference to Applicant's specification. In the July 12, 2005 Federal Circuit decision in the case of *Phillips v. AWH Corp.*, the Federal Circuit issued an *en banc* decision regarding the proper way to construe patent claims and the roles that various sources of claim meaning should play in claim construction. In brief

summary, the Federal Circuit rejected the formulaic dictionary-centric approach to claim construction announced in *Texas Digital System, Inc. v. Telegenix, Inc.*, 308 F.3d 1193 (Fed. Cir. 2002). In *Phillips*, the Federal Circuit reaffirmed the historic approach centered on what one of ordinary skill in the relevant art at the time of the application date would have understood the claim terms to mean in the context provided by the intrinsic patent record -- the claims, the specification and the prosecution history. The Federal Circuit cautioned that extrinsic evidence, including even dictionaries, is a less reliable guide to claim meaning than the intrinsic record. Reference, therefore, to a dictionary definition for the term filter, even if it were germane to the current discussion, is improper without first referencing the intrinsic record, which there is no evidence of having been accomplished in this matter.

Further, De Vaan discloses changing a polarization azimuth of the light emitted from the projector but does not disclose nor can it reasonably be considered to have suggested selecting a substantially fixed polarization azimuth of the light emitted from the spatial modulation device to make the image light a linearly polarized light, the image light is projected on the screen as the linear polarized light having the polarization azimuth along a predetermined direction.

As such, De Vaan, even in combination with what the Office Action alleges is the known state of the art, cannot reasonably be considered to have suggested the combination of all of the features precisely recited in independent claim 1. This Office Action's ongoing attempt to misconstrue the claims, overly broadly apply what can reasonably be considered to be taught, or even suggested, by De Vaan, and reference to dictionary definitions while specifically ignoring the intrinsic record are all improper attempts to render obvious the subject matter of the pending claims. Claims 2, 3, 10 and 11 are also not suggested by the combination of the applied references for at least the respective dependence of these claims

directly on independent claim 1, as well as for the separately patentable subject matter that each of these claims recites.

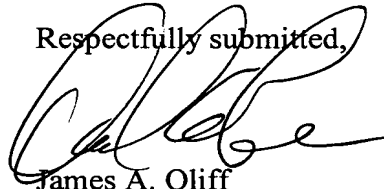
Because Shikama is not applied to overcome the above-identified shortfall in the application of the other prior art references to the subject matter of independent claim 1, any combination of Shikama with the other applied references cannot reasonably be considered to suggest the subject matter of claim 5 for at least the dependence of claim 5 on independent claim 1, as well as for the separately patentable subject matter that claim 5 recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-3, 5, 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over any combination of the applied prior art references are respectfully requested.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 5, 10 and 11 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Request for Continued Examination

JAO:DAT/cfr

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